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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,571	07/21/2003	Masaru Iriya	0071-0528P	4799

2292 7590 12/05/2005

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EXAMINER
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MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,571	<b>Applicant(s)</b> IRIYA ET AL.	
	<b>Examiner</b> Michael C. Miggins	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/1/05 has been entered.

## **REJECTIONS WITHDRAWN**

2. All of the previous rejections of record have been withdrawn.

## **REJECTIONS REPEATED**

3. There are no rejections repeated.

## **NEW REJECTIONS**

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 3-4 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-026624 (English translation of abstract provided by applicant, referred to herein as JP '624) in view of JP 2001-059029 (English abstract provided by applicant, referred to herein as JP '029).

Claims 8-13 in their entirety recite method limitations in product claims which have been given little patentable weight since the method limitations do not further structurally limit the product claims (MPEP 2113).

JP '624 discloses a wrap film comprising a layer of resin composition C as at least one outermost surface layer (since there is only one layer), wherein resin C comprises 100 parts by mass of an aliphatic polyester resin and 5 to 40 parts by mass of a liquid additive having a tensile modulus of 400 to 1500 Mpa, wherein the liquid additive contains 70% or more of a glycerin fatty acid ester (see abstract) (applies to instant claims 1 and 4).

JP '624 does not disclose a specific surface roughness of 0.5 to 4.0 nm.

However, JP '029 discloses an average surface roughness (see abstract) for a wrap film for the purpose of providing a film restrained from meandering, mechanical strength and low heat shrinkability. Discovering the workable or optimum value or range is obvious and well within the level of one of ordinary skill in the art (MPEP 2144). Therefore it would have been obvious to have provided applicant's surface roughness in order to provide a film restrained from meandering, mechanical strength and low heat shrinkability as taught or suggested by JP '029 (applies to instant claim 1).

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JP '029 discloses wherein the aliphatic polyester resin contains 90% or more of polylactic acid comprising 8% or less of D-isomer (applies to instant claim 3).

6. Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-026624 (English translation of abstract provided by applicant, referred to herein as JP '624) in view of JP 2001-059029 (English abstract provided by applicant, referred to herein as JP '029), as applied to claims 1, 3-4 and 8-13 above, and further in view of JP 05-162747 (English abstract provided by applicant, referred to herein as JP '747).

JP '624 fails to disclose a wrap wrapped around a core and a box having the wrap film placed therein, wherein a cutter blade attached to the box is made of plant derivative-resin or paper.

JP '747 discloses a wrap wrapped around a core and a box having the wrap film placed therein, wherein a cutter blade attached to the box is made of plant derivative-resin or paper for the purpose of providing safety when the sheet is drawn out (see abstract) (applies to instant claims 6-7). Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided the box with cutter in order to provide safety when removing the sheet as taught or suggested by JP '747.

With regard to claim 2, discovering the workable or optimum value or range is obvious and well within the level of one of ordinary skill in the art (MPEP 2144). It would have been obvious to one of ordinary skill in the art to have

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provided a pulling out force of 5 to 100 cN in order to provide safety and/or ease of pulling the sheet out of a box and/or mechanical stability.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-026624 (English translation of abstract provided by applicant, referred to herein as JP '624) in view of JP 2001-059029 (English abstract provided by applicant, referred to herein as JP '029), as applied to claims 1, 3-4 and 8-13 above, and further in view of Kuroki et al. (EP 1029890 A2, provided by applicant).

JP '626 does not disclose the glycerin fatty acid ester recited in claim 5.

Kuroki discloses polylactic acid wrapping films (page 3, pars. 0013 and 0015) containing 10- 60% glyceryl ester additive (page 4, par. 0023), with 80% of the additive being the ester, which meets the limitation of applicant's claim 5 for the purpose of providing improved biodegradability. Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided the glycerin fatty acid ester recited in claim 5 in order to provide improved biodegradability as taught or suggested by Kuroki.

#### **ANSWERS TO APPLICANT'S ARGUMENTS**

8. Applicant's filed 9/1/05 have been considered but are moot in view of the new grounds for rejection set forth above.

#### ***Conclusion***

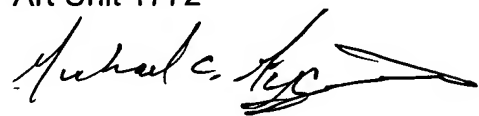
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins  
Primary Examiner  
Art Unit 1772



MCM  
November 14, 2005